

## **CHAPTER NO. 194**

### **HOUSE BILL NO. 445**

**By Representatives Fowlkes, Armstrong, Montgomery, Newton, Hood, Towns, Shaw, Hawk, Harrison, Larry Turner, Henri Brooks, DuBois**

**Substituted for: Senate Bill No. 247**

**By Senators Finney, Ford, Miller**

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6 and Title 68, relative to completion of a health report card on all public school children in Tennessee.

WHEREAS, U.S. Surgeon General Richard Carmona, MD, has called obesity "the greatest threat to public health today"; and

WHEREAS, all available data reflects that children and adolescents are exercising less and consuming more unhealthy foods; and

WHEREAS, those unhealthy lifestyles have led to a greater incidence of overweight children and adolescents. Childhood obesity can lead to chronic health problems such as type 2 diabetes; and

WHEREAS, as many as 50% of Tennessee children and adolescents may be overweight; and

WHEREAS, identification of children and adolescents who may be overweight is the first step in addressing this national and state crisis and the screening tool known as a body mass index is a quick and easy screening test to determine possible risk using weight and height measurements; now, therefore,

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:**

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following as a new part.

#### **SECTION 2.**

(a) Local education agencies are authorized to implement a program that identifies public school children who are at risk for obesity. Those schools systems which choose to carry out such a program shall:

(1) Have sufficient number of current school staff or school volunteers trained in taking a body mass index to meet the requirements of this act. The department of health will develop and provide training materials to the local education agencies.

(2) Complete a body mass index for age (BMI-for-age) as defined by the Centers for Disease Control and Prevention on every child enrolled for classes in their school system whose parents or guardians have not requested exclusion from the testing.

(3) Provide each student's parents or guardians with a confidential health report card that represents the result of the child's BMI-for-age screening along with basic educational information on what the results mean and what the parents or guardians should do with the information.

(b) School systems that carry out the program shall transmit the results of the testing for each student to the department of health.

#### **SECTION 3.**

(a) The department of Health with the assistance of the department of education shall provide a framework for local education agencies to use in developing a program that shall include, but not be limited to:

(1) Provide standard practices for maintaining confidentiality.

(2) Provide necessary information to local education agencies before the beginning of the 2005-06 school year and annually thereafter explaining the method for determining a BMI-for-age and the tables that should be used to determine if a child may be at-risk of overweight, overweight or underweight based upon the BMI-for-age.

(3) Develop and disseminate to local education agencies before the 2005-06 school year and annually thereafter a form that should be used to report the student results from individual schools and from the local education agency to the department of health.

(4) Develop and disseminate a sample notification to all local education agencies that can be used as the model for the health report card to notify parents or guardians for the child's BMI results along with basic educational information on what the results mean, the applicable health risks for a child who is overweight and what the parents or guardians should do with the information.

(5) Work with representatives from the department of education, state health professional associations, and national health related organizations in the design of the form and sample notification.

#### SECTION 4.

(a) The department of health is authorized to accept and tabulate the results of any BMI screenings completed by school systems and to distribute only aggregate results at a grade, school, county or statewide level.

(b) The department of health shall provide the governor's office, the speaker of the senate and the speaker of the house a report of the aggregate results of all BMI screenings performed in the previous calendar year by January 31<sup>st</sup> of each year.

SECTION 5. Schools where aggregate data suggests that high rates of overweight children may be a problem are encouraged to expand existing or implement new school-based nutrition and physical activity programs designed to reduce those rates. The effectiveness of these results could be determined by completing a BMI-for-age on the school's students whose parents or guardians have not requested exclusion from the testing at the end of the school year.

SECTION 6. The activities described in Section 4 of this part shall occur if, and only if, advance funding sufficient to pay the total cost of such activities is received in the form of gifts, grants, and donations from individuals, private organizations, foundations, and/or governmental units other than the state of Tennessee. However, no such gift, grant, or donation may be accepted for such purpose if the gift, grant, or donation is subject to any condition or restriction that is inconsistent with this part or any other law of this state. The department of health in consultation with the department of education shall have the power to direct the disposition of any such gift, grant or donation for the purposes of this part.

SECTION 7. This act shall take effect upon becoming law, the public welfare requiring it.

**PASSED: May 5, 2005**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 19<sup>th</sup> day of May 2005**

  
PHIL BREDESEN, GOVERNOR